

seizure and condemnation of 24 bottles of Owl tonic, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Owl Drug Co., Decatur, Ala., on or about January 23, 1929, and had been transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Bottle) "For * * * La Grippe, Influenza, Chills, Malaria, Loss of Appetite, * * * Tired Feeling and a General System Builder;" (carton) "For * * * LaGrippe, Influenza, * * * Dizziness, Chills, Malaria and is a System Builder * * * It acts as a mild stimulating tonic to the liver * * * assists nature in building up the whole nervous system. * * * For * * * LaGrippe, Chills or Malaria."

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (34.3 grams per 100 cubic centimeters), quinine sulphate (1.5 grains per fluid ounce), a small proportion of iron chloride, hydrochloric acid, and water, colored red.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3, under drugs, in that the statements in the labeling, regarding the curative and therapeutic effects of the said article, were false and misleading and deceived and misled the purchaser. (This department recommended that the charge be brought in the libel that the above-quoted statements from the labeling, were false and fraudulent.)

On May 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18524. Misbranding of Lano Fume pneumonia salve. U. S. v. 10 Jars of Lano Fume Pneumonia Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26096. I. S. No. 21771. S. No. 4375.)

Examination of a drug product, known as Lano Fume pneumonia salve, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Colorado.

On or about March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 jars of Lano Fume pneumonia salve, remaining in the original unbroken packages at Pueblo, Colo., consigned by the McKesson-Stewart-Holmes Drug Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about January 17, 1931, and had been transported from the State of Washington into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (approximately 16 per cent), including eucalyptus oil and camphor, and ammonia incorporated in a base of wool fat.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: "Lano Fume Pneumonia Salve * * * a guaranteed remedy for the relief of Pleurisy, Lumbago, Bronchitis, Croup, Influenza * * * Sore Throat and Pneumonia."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18525. Misbranding and alleged adulteration of Pyro-Chex antiseptic liquid and Pyro-Chex complete treatment. U. S. v. 13 Small-Sized Bottles of Pyro-Chex Antiseptic Liquid, et al. Default decree of condemnation and destruction. (F. & D. No. 26087. I. S. Nos. 24046, 24047, 24048. S. No. 4381.)

Examination of the drug products from the shipments herein described having shown that they were represented to be antiseptics, whereas they were not, and that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary

of Agriculture reported the matter to the United States attorney for the district of Kansas.

On or about March 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 small-sized bottles and 11 large-sized bottles of Pyro-Chex antiseptic liquid, and 33 packages of Pyro-Chex complete treatment at Wichita, Kans., alleging that the articles were shipped by the Pyro Chex Co., from St. Louis, Mo., between the dates of March 21 and May 2, 1928, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the Pyro-Chex antiseptic liquid by this department showed that it consisted essentially of small proportions of zinc chloride, sodium chloride, hydrochloric acid, phenolic substances, menthol, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the articles were adulterated in that they were sold under the following standard of strength, to wit, "Antiseptic," whereas the strength of the said articles fell below such professed standard in that they were not antiseptic.

Misbranding was alleged for the reason that the following statements appearing in the labeling, (carton for large-sized bottles and complete treatment) "Antiseptic Liquid," (all bottle labels) "Antiseptic Liquid," and (circular accompanying large-sized bottles and complete treatment) "Pyro-Chex is the new and modern method of * * * applying an antiseptic on the afflicted parts. * * * Because Pyro-Chex Antiseptic is a powerful but harmless germ destroyer * * * Answers as an ideal antiseptic for the mouth, teeth and gums," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Carton for large-sized bottle and complete treatment) "Pyro-Chex * * * Treatment for Pyorrhea;" (all bottle labels) "Pyro-Chex * * * Treatment For Pyorrhea and Other Dental Troubles;" (circular accompanying large size and complete treatment) "We are introducing an entirely new treatment that combats Pyorrhea. Massage, as dental authorities will tell you, is a very necessary part of any Pyorrhea treatment. The gums need stimulation through massaging to speed up blood circulation, toughen them and destroy bacteria. Until the introduction of Pyro-Chex, there was no effective way to massage the gums. * * * With this treatment, unhealthy and inflamed gums—when given a vigorous massaging twice a day, will become firm and healthy in the course of a week or ten days; and no other treatment to our knowledge will accomplish such a result. Pyorrhea (Rigg's Disease). This infection and disease is so wide-spread, that it is practically universal * * * Since Pyorrhea and other germ infections can usually be traced to sluggish circulation, it follows that the needed treatment consists of stimulating, restoring, and maintaining normal circulation of red blood through the tissues affected or exposed. Pyro-Chex gum massage, which massages the gums in a vigorous, harmless way—and at the same time applies Pyro-Chex antiseptic right on the affected area, is the scientific and modern way of restoring gum circulation to a normal state and returning bleeding, spongy gums back to a vigorous healthy condition. * * * for bleeding gums and for conditions known to the dental profession as Gingivitis, meaning the beginning of Pyorrhea, Pyro-Chex will not only combat this condition—but will keep the teeth for many years in a healthy condition, in spite of Gingivitis. * * * Such germs develop infection; are carried through the blood and result in such diseases as Rheumatism, Neuritis, Diabetes or diseases of eyes, ears, nose, or throat. A recent routine examination of some 500 persons, of above the average intelligence—professional men and school teachers, showed that 90% had unhealthy gums; ranging from mild inflammation to advanced stages of Pyorrhea. Let us pay as much attention to oral Hygiene as we do to the things that appeal to vanity. * * * Massage and sterilize your gums with Pyro-Chex Massaging Device and Pyro-Chex Antiseptic. Thus you will free yourself and your loved ones from possible infection—which might result in death. Nature's Signals: Bleeding gums. Soreness and unpleasant feeling of gums—and of the teeth when submitted to pressure. Bad

taste in mouth—especially in the morning. Foul breath. Loose teeth—an almost sure sign of Pyorrhea. Delay is dangerous. Do not allow Nature's signals to go by unnoticed, unattended. It may seem ever so unimportant to you to-day; but to-morrow you may find that you have a case of Gingivitis—headed toward Pyorrhea. * * * Since the mouth is the gateway to good health, the constant daily use of Pyro-Chex means guarding your health against many disease germs. It is a powerful antiseptic which is deadly to the germs which cause Pyorrhea and it also cleanses the gums. * * * Relieves Sore Throat. * * * immediate relief it will give when used for sore throat. * * * Start the Children Early. * * * for preservation of the gums and teeth and General Health. Offensive Breath * * * The most common source arises from diseased gums and teeth. Pyro-Chex immediately destroys unpleasant odors by combating the action of bacteria in the mouth. General Directions * * * For bleeding and inflamed gums, use Pyro-Chex Antiseptic full strength until relieved and the disease has been brought under control. Then dilute as above. Continue using as a preventive against recurrence."

On May 18, 1931, no claimant having appeared for the property, judgment was entered finding the products misbranded and ordering that they be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18526. Misbranding of Kelsey ichthyol suppositories. U. S. v. 32 Boxes of Kelsey Ichthyol Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26114. I. S. No. 15795. S. No. 4406.)

Examination of a drug product, known as Kelsey ichthyol suppositories, from the shipment herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Massachusetts.

On March 27, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 boxes of Kelsey ichthyol suppositories, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Southport Chemical Co. (Inc.), from New York, N. Y., on or about November 11, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cocoa butter in which was incorporated a drug containing ammonia and sulphur compounds.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Hemorrhoids and for Diseases of Women;" (circular) "Particularly efficacious in the following: Hemorrhoids, Fistula in Ano, Prostatitis, Leucorrhea, Vaginismus and Inflammations of the Vagina and Cervix."

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18527. Misbranding of Hooper's Tettremidy. U. S. v. 26 Dozen Bottles, et al., of Hooper's Tettremidy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26112, 26113. I. S. Nos. 23984, 23986. S. Nos. 4376, 4377.)

Examination of a drug product, known as Hooper's Tettremidy, from the shipments herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Oklahoma.

On March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 35½ dozen bottles of the said Hooper's Tettremidy at Oklahoma City,